

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-------------------------------|---|------------------------|
| IN THE MATTER OF: |) | Case No. BK06-80243 |
| |) | (Jointly Administered) |
| BENCHMARK HOMES, INC., et al. |) | Chapter 11 |
| |) | |
| Debtor. |) | |
| |) | |

**MOTION OF BUILDERS SUPPLY CO., INC.
FOR ALLOWANCE OF ADMINISTRATIVE EXPENSE
PURSUANT TO 11 U.S.C. SECTION 503(b)**

Builders Supply Co., Inc. ("Builders"), by its undersigned counsel, hereby moves this Court for entry of an Order allowing and authorizing the payment of an administrative expense in the amount of \$61,741.54 pursuant to Section 503(b)(9) of the Bankruptcy Code and in support thereof, states as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. Section 1334. This is a core proceeding pursuant to 28 U.S.C. Section 157(b)(2)(A), (B), and (O).

2. Venue is proper pursuant to 28 U.S.C. Section 1408 and 1409.

3. On March 7, 2006 (the "Petition Date"), the above-referenced debtors (the "Debtors") initiated these Chapter 11 cases in the United States Bankruptcy Court for the District of Nebraska (the "Court") by filing voluntary petitions for relief under Chapter 11.

4. During the twenty days prior to the Petition Date (the "503(b)(9) Period"), Builders sold goods on credit to the Debtors in the ordinary course of the Debtors' business for which it has not been paid. The goods received by the Debtors during the 503(b)(9) Period have a value of \$16,741.54 (the "Administrative Expense").

5. By this Motion, Builders seeks allowance and subsequent payment of the Administrative Expense for goods delivered to the Debtors within the 503(b)(9) Period. A detailed list of the invoices for goods sold to the Debtors during the 503(b)(9) Period is attached hereto as Exhibit "A" and incorporated herein by reference.

6. Section 503(b)(9) of the Bankruptcy Code provides:

after notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title, including...the value of any goods received by the debtor within 20 days before the date of the commencement of a case

under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.

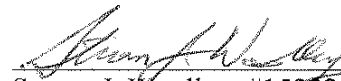
Any administrative expenses allowed under Section 503(b) are entitled to the priorities in payment specified by Section 507 of the Bankruptcy Code.

WHEREFORE, Builders respectfully requests entry of an order: (i) allowing Builder's Administrative Expense in the amount of \$16,741.54; and (ii) granting such other and further relief as the Court deems just and proper.

Dated this 27th day of March, 2006

BUILDERS SUPPLY CO., INC., Creditor,

By:

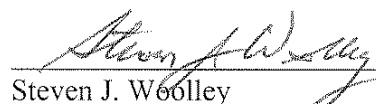

Steven J. Woolley, #15222
Marks Clare & Richards, L.L.C.
11605 Miracle Hills Drive, Suite 300
P.O. Box 542005
Omaha, Nebraska 68154-8005
(402) 492-9800
ATTORNEYS FOR CREDITOR

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2006, I electronically filed the foregoing with the Clerk of the United States Bankruptcy Court for the District of Nebraska using the CM/ECF system which sent notification of such filing to all individuals and entities entitled to the same including Robert V. Ginn, Patricia Fahey and Jerry L. Jensen.

I further certify that on March 27, 2006, I mailed by United States mail, postage prepaid, the foregoing to the following non CM/ECF participants:

Benchmark Homes, Inc.
Canterberry Crossing, LLC
Ashford Hollow, LLC
Saddlebrook Properties, LLC
One Ninety-Two, LLC
11011 "Q" Street
Omaha, Nebraska 68137


Steven J. Woolley



Builders Supply Co., Inc.

5701 South 72nd Street • P.O. Box 27109 • Omaha, Nebraska 68127-0109
Telephone (402) 331-4500 • FAX (402) 331-4688

March 21, 2006

Steve Woolley
Marks Clare & Richards

As discussed today on the telephone, listed below are the Benchmark Homes addresses and dollar amounts for materials delivered within the 20 days of bankruptcy filing. (Materials delivered from February 15, 2006 to present.) The copies of these invoices and credits are also enclosed.

| | | | |
|--------------------|-------------|---------------------|----------------------------|
| 11011 Q St | \$778.09 | 16801 Briar | \$315.40 |
| 916 S 188 Ct | 1,010.08 | 17012 Briar | (559.78) |
| 963 S 188 Ter | 856.73 | 16963 Polk St | 274.15 |
| 18208 Harney | 80.18 | 18891 Marcy | (64.56) |
| 18876 Mason Plz | 253.20 | 5717 N 148 Plz | 25.27 |
| 9309 S 28 | 38.52 | 11306 S 44 St | (333.65) |
| 9506 S 26 Ave | 1.93 | 9504 S 216 Ave | 862.27 |
| 18429 Harney | 1,846.86 | 4410 Edgerton Dr | 792.88 |
| 959 S 188 Ter | 256.37 | 18884 Mason Plz | 3,357.51 |
| 14730 Ellison Ave | (174.67) | 14877 Jaynes St | (953.69) |
| 5539 N 151 St | (504.27) | 9502 S 26 Ave | 674.05 |
| 15015 Jaynes St | 4,699.26 | 18413 Howard St | 3,825.23 |
| 18426 Dewey | (2,117.26) | 4306 Victoria Ave | 6,721.10 |
| 14909 Himebaugh Av | 3,109.97 | 4505 Edgerton Dr | 5,067.04 |
| 928 S 188 Ct | 3,683.72 | 4603 Victoria Ave | 3,565.49 |
| 909 S 188 Ter | (385.17) | 4501 Victoria Ave | 201.25 |
| 5705 N 148 Plz | 2,841.06 | 18880 Mason Plz | (37.70) |
| 18416 Dewey Ave | 1,575.90 | 4503 Edgerton Dr | 305.55 |
| 14602 Hartman Ave | (91.24) | 18215 Harney | 154.21 |
| 14743 Himebaugh Pl | 1,751.31 | 18409 Howard | (2,462.72) |
| 4207 S 198 Ave | 4,564.70 | 513 S 184 | 3,560.03 |
| 14973 Himebaugh Av | 3,949.34 | 14973 Himebaugh Ave | 13.02 |
| 4601 Victoria Av | (18,331.53) | 4213 S 198 Ave | 4,627.03 |
| 4608 Victoria Av | (14,744.29) | 18408 Howard | (17,211.00) |
| 15010 Himebaugh Av | 8,847.55 | 14988 Himebaugh Ave | 34.46 |
| 18899 Marcy St | (9,781.73) | 18351 Jackson | 194.92 |
| 11307 S 45 St | 4,005.61 | 14981 Himebaugh Ave | 3,401.71 |
| 18311 Howard | 161.42 | 18207 Howard | (669.11) 156.45 |
| 14736 Ellison Ave | 9,591.94 | 5812 N 151 St | 10,124.92 |
| 5526 N 151 St | 8,425.21 | 14637 Laurel Ave | 4,618.45 |
| 585 S 183 Ave | 11,925.71 | 4309 S 202 St | 374.74 |
| 18437 Jackson | 27.44 | 9405 S 25 Ave | 52.58 |
| 613 S 180 Ave | 946.21 | 18363 Jackson St | 87.40 |
| 14721 Laurel Plz | 862.80 | 14977 Laurel Ave | 16.58 |

Total ~~\$61,044.92~~

~~10,000.00~~
\$61,741.54

EXHIBIT "A"

Carolyn

| <i>Date</i> | <i>Invoice No.</i> | <i>Amount</i> |
|-------------|--------------------|---------------|
| 02/16/06 | CC756581 | 8.77 |
| 02/24/06 | Y 759841 | 72.22 |
| 02/24/06 | Y 760234 | 697.10 |
| 02/23/06 | IS759408 | 315.40 |
| 02/21/06 | IS757855 | 1,010.08 |
| 02/28/06 | Y 761361 | 559.78 CR |
| 02/21/06 | IS757854 | 856.73 |
| 02/23/06 | IS759409 | 274.15 |
| 02/15/06 | CC755733 | 80.18 |
| 02/15/06 | CC755731 | 91.79 |
| 02/21/06 | Y 758223 | 156.35 CR |
| 02/20/06 | D 757592 | 253.20 |
| 02/27/06 | Y 760549 | 25.27 |
| 02/20/06 | H 757237 | 38.52 |
| 02/15/06 | D 755914 | 333.65 CR |
| 02/20/06 | D757551 | 1.93 |
| 02/28/06 | IS761068 | 862.27 |
| 02/20/06 | H 757260 | 203.78 |
| 02/28/06 | IS761069 | 551.91 |
| 03/02/06 | Y 762476 | 1,054.02 |
| 03/07/06 | Y 764390 | 37.15 |
| 02/15/06 | D 755915 | 569.21 CR |
| 02/22/06 | H 758321 | 38.52 |
| 02/24/06 | D 759569 | 120.60 |
| 02/28/06 | IS761067 | 963.40 |
| 03/07/06 | D 764157 | 239.57 |
| 02/28/06 | IS761070 | 256.37 |
| 02/21/06 | Y 758144 | 3,072.72 |
| 03/07/06 | Y 764414 | 284.79 |
| 03/01/06 | D 761792 | 174.67 CR |
| 02/21/06 | D 757979 | 831.31 CR |
| 03/01/06 | D 761795 | 122.38 CR |
| 03/01/06 | D 761794 | 504.27 CR |
| 02/21/06 | IS757853 | 674.05 |
| 02/15/06 | D 755637 | 1,866.23 |
| 02/15/06 | D 755638 | 806.75 |
| 02/15/06 | D 755639 | 2,550.47 |
| 02/15/06 | H 755675 | 69.31 |
| 02/17/06 | D 756667 | 83.05 |
| 03/01/06 | H 761508 | 51.47 CR |
| 03/01/06 | D 761793 | 625.08 CR |
| 02/17/06 | D 756658 | 1,208.27 |
| 02/17/06 | D 756659 | 477.11 |
| 02/17/06 | D 756660 | 1,987.49 |
| 02/17/06 | H 756738 | 69.31 |
| 02/24/06 | D 759530 | 83.05 |
| 02/15/06 | D 755848 | 39.88 |
| 02/17/06 | Y 756965 | 103.70 CR |
| 03/01/06 | D 761796 | 2,053.44 CR |

| <i>Date</i> | <i>Invoice No.</i> | <i>Amount</i> |
|-------------|--------------------|---------------|
| 02/21/06 | IS757847 | 3,474.79 |
| 02/22/06 | D 758793 | 142.06 |
| 02/22/06 | D 759445 | 1,093.21 |
| 02/22/06 | D 759446 | 540.28 |
| 02/22/06 | D 759447 | 1,397.38 |
| 02/22/06 | H 759572 | 73.38 |
| 02/16/06 | Y 756376 | 215.64 CR |
| 02/21/06 | IS757858 | 3,325.61 |
| 02/21/06 | IS757862 | 3,221.88 |
| 02/22/06 | D 758784 | 1,235.78 |
| 02/22/06 | D 758785 | 422.38 |
| 02/22/06 | D 1758786 | 910.63 |
| 02/22/06 | D 758792 | 80.18 |
| 02/23/06 | H 759225 | 61.08 |
| 03/04/06 | D 763287 | 864.89 CR |
| 02/16/06 | Y 756350 | 842.65 |
| 02/21/06 | Y 758168 | 2,841.07 |
| 02/22/06 | IS758488 | 3,694.62 |
| 02/27/06 | Y 760509 | 129.13 CR |
| 02/15/06 | Y 756128 | 458.33 CR |
| 02/25/06 | D 760692 | 73.16 |
| 02/18/06 | D 757508 | 158.25 |
| 02/23/06 | Y 579010 | 172.85 |
| 03/01/06 | D 761770 | 129.85 CR |
| 02/20/06 | Y 757107 | 235.40 |
| 02/21/06 | Y 757999 | 3,210.99 |
| 02/21/06 | Y 758113 | 605.33 CR |
| 03/01/06 | D 761791 | 37.70 CR |
| 02/17/06 | Y 756930 | 273.07 CR |
| 02/21/06 | Y 758201 | 1,892.01 |
| 02/28/06 | Y 761254 | 43.04 CR |
| 02/15/06 | Y 756222 | 1,545.81 |
| 02/23/06 | Y 759105 | 1,240.26 CR |
| 02/17/06 | Y 756962 | 91.24 CR |
| 02/16/06 | Y 756385 | 477.92 |
| 02/24/06 | Y 759851 | 48.16 |
| 03/02/06 | Y 762617 | 371.87 CR |
| 02/16/06 | Y 756278 | 2,209.86 |
| 02/16/06 | Y 756298 | 39.84 |
| 02/18/06 | Y 757022 | 104.82 |
| 02/20/06 | Y 757108 | 235.40 |
| 03/03/06 | Y 763776 | 838.61 CR |
| 02/15/06 | Y 756013 | 3,552.15 |
| 02/15/06 | Y 756099 | 3,875.57 |
| 02/16/06 | Y 756281 | 2,907.76 |
| 02/28/06 | Y 761351 | 2,936.46 CR |
| 02/28/06 | Y 761354 | 3,492.89 CR |
| 02/28/06 | Y 761363 | 5,122.58 CR |
| 02/28/06 | Y 761365 | 1,246.27 CR |

EXHIBIT "A"

| <i>Date</i> | <i>Invoice No.</i> | <i>Amount</i> |
|-------------|--------------------|---------------|
| 02/16/06 | Y 756381 | 247.95 CR |
| 02/21/06 | IS757859 | 4,739.49 |
| 02/27/06 | D 760774 | 73.16 |
| 02/16/06 | Y 756386 | 337.60 |
| 02/21/06 | Y 758167 | 2,967.66 |
| 02/24/06 | Y 759848 | 48.16 |
| 02/28/05 | Y 761175 | 206.61 |
| 02/21/06 | IS757850 | 3,936.32 |
| 02/24/06 | D 759558 | 73.16 |
| 03/01/06 | D 761764 | 60.14 CR |
| 02/24/06 | D 759558 | 73.16 |
| 03/01/06 | D 761764 | 60.14 CR |
| 03/01/06 | Y 761853 | 6320.57 CR |
| 03/01/06 | Y 761861 | 7,099.15 CR |
| 03/01/06 | Y 761866 | 4,911.81 CR |
| 02/16/06 | Y 756380 | 375.30 CR |
| 02/21/06 | IS757860 | 5,022.33 |
| 02/15/06 | Y 756071 | 2,523.39 |
| 02/28/06 | Y 761371 | 4,914.02 CR |
| 02/28/06 | Y 761372 | 3,717.52 CR |
| 02/28/06 | Y 761373 | 2,480.14 CR |
| 02/28/06 | Y 761374 | 6156.00 CR |
| 02/28/06 | Y 761346 | 2,032.69 CR |
| 02/28/06 | Y 761348 | 9,225.46 CR |
| 02/28/06 | Y 761362 | 1,521.17 CR |
| 02/28/06 | Y 761364 | 4,431.68 CR |
| 02/25/06 | Y 760259 | 6,640.25 |
| 02/25/06 | Y 760403 | 2,000.52 |
| 02/27/06 | Y 760550 | 206.78 |
| 02/15/06 | CC755774 | 89.88 |
| 03/02/06 | Y 762556 | 55.42 CR |
| 02/28/06 | Y 761366 | 7,612.35 CR |
| 02/28/06 | Y 761367 | 2,169.38 CR |
| 02/15/06 | Y 755990 | 171.92 |
| 02/23/06 | Y 758965 | 23.00 |
| 02/16/06 | Y 756331 | 4,968.85 |
| 03/01/06 | Y 761810 | 963.24 CR |
| 02/20/06 | Y 757109 | 353.10 |
| 02/22/06 | Y 758533 | 3,048.61 |
| 02/15/06 | Y 756177 | 161.42 |
| 02/22/06 | Y 758545 | 825.56 |
| 02/22/06 | T 759424 | 1,417.92 |
| 03/06/06 | Y 764029 | 48.11 |
| 03/08/06 | Y 765206 | 1,309.58 CR |
| 03/10/06 | Y 766231 | 825.56 CR |
| 02/15/06 | Y 756147 | 6,007.68 |
| 02/15/06 | Y 756330 | 4,207.74 |
| 02/28/06 | Y 761345 | 623.48 CR |
| 02/16/06 | Y 756341 | 3,260.94 |

| <i>Date</i> | <i>Invoice No.</i> | <i>Amount</i> |
|-------------|--------------------|---------------|
| 02/17/06 | Y 756881 | 5,243.99 |
| 02/17/06 | Y 756958 | 3,133.50 |
| 02/20/06 | Y 757070 | 3,667.92 |
| 02/21/06 | Y 758092 | 2,212.51 |
| 02/27/06 | Y 760542 | 362.92 |
| 03/01/06 | Y 761868 | 1,452.55 CR |
| 03/01/06 | Y 761869 | 5,398.35 CR |
| 03/01/06 | Y 761870 | 1,178.15 CR |
| 03/06/06 | Y 764013 | 272.19 |
| 02/20/06 | Y 757066 | 5,344.43 |
| 02/20/06 | Y 757080 | 3,164.34 |
| 02/21/06 | Y 758088 | 3,400.23 |
| 02/23/06 | Y 758869 | 3,283.04 |
| 02/28/06 | Y 761344 | 1,679.29 CR |
| 02/28/06 | Y 761347 | 7,548.78 CR |
| 02/28/06 | Y 761349 | 2,669.42 CR |
| 02/28/06 | Y 761352 | 3,383.56 CR |
| 03/06/06 | Y 763960 | 3,169.79 |
| 03/07/06 | Y 764541 | 5,344.43 |
| 03/07/06 | Y 756323 | 5,109.09 |
| 03/03/06 | Y 763775 | 490.64 CR |
| 02/15/06 | Y 756176 | 6,795.29 |
| 02/15/06 | Y 756287 | 5,130.42 |
| 02/21/06 | Y 758148 | 9,267.59 |
| 02/21/06 | Y 758870 | 8,400.18 |
| 02/23/06 | Y 762014 | 4,883.88 CR |
| 03/01/06 | Y 762017 | 9,267.59 CR |
| 03/01/06 | Y 762018 | 3,141.56 CR |
| 02/22/06 | M 759117 | 27.44 |
| 02/20/06 | CC757312 | 52.58 |
| 02/28/06 | IS761075 | 946.21 |
| 02/24/06 | D 760661 | 87.40 |
| 02/22/06 | Y 758519 | 862.80 |
| 02/20/06 | H 757257 | 16.58 |

Y:\WDOX\CLIENTS\8236\088\plea\EKM1464.DOC